

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

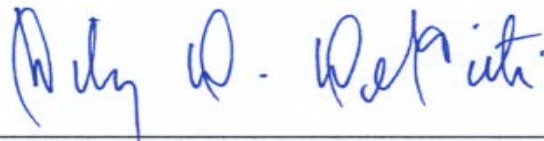
CHELSEA KIRK,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-18-1153-D
)	
1568-DEACONESS PHYSICIAN CLINICS,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Defendants' Joint Motion to Dismiss [Doc. No. 3] is moot due to Plaintiff's filing of the Amended Complaint as authorized by Fed. R. Civ. P. 15(a)(1)(B). *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (amended pleading "supersedes the original and renders it of no legal effect") (internal quotation omitted); *see also Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007).

IT IS THEREFORE ORDERED that Defendants' Joint Motion to Dismiss [Doc. No. 3] is DENIED without prejudice to resubmission, if appropriate, in response to the Amended Complaint.

IT IS SO ORDERED this 7th day of December 2018.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE